

On January 19, 2021, the Government filed a Response Opposing the Lifting of the Stay. (Doc. No. 11). The Government argues that a continued stay is warranted pending the filing of a petition for certiorari in Taylor,¹ the United States' acquiescence in a defendant-filed petition that presents the same issue, or the decision of the Acting Solicitor General not to file a petition for certiorari – whichever occurs first.

The Court finds that a stay of these proceedings is in the interest of justice and judicial economy. Petitioner's Motion to Lift Stay will be denied. The Government shall promptly notify the Court of the United States' filing of a petition for certiorari in Taylor or the United States' acquiescence in a defendant-filed petition from another circuit, or the expiration of the Taylor deadline, whichever occurs first.²

IT IS, THEREFORE, ORDERED that:

1. Petitioner's Motion to Lift Stay, (Doc. No. 10), is **DENIED**.
2. The Government shall promptly notify the Court of the United States' filing of a petition for certiorari in Taylor or the United States' acquiescence in a defendant-filed petition from another circuit, or the expiration of the Taylor deadline, whichever occurs first.

Signed: February 16, 2021



Robert J. Conrad, Jr.
United States District Judge



¹ An extended 150-day deadline applies to a filing of a certiorari petition due to COVID-19.

² The Government has indicated that it will either move to hold the case in abeyance pending a Supreme Court determination on a relevant petition or agree that the stay should be lifted at that time. (Doc. No. 12 at 2).